Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 1-2 and 10-11 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-6 and 12-16 of application serial number 10/436,849 ("*849*").

Claims 1-2, 4-5, 10-11 and 13-14 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-9, 15-24, and 30 of Application Serial Number 10/629,040("*040*").

Claims 1-9 stand rejected under 35 U.S.C. §101.

Claims 1-18 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 1, 4-7, 10, and 13-16 stand rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent No. 6,952,737 of *Coates et al.* ("*Coates*") and U.S. Patent No. 5,745,758 of *Shaw et al.* ("*Shaw*").

Claims 2-3 and 11-12 stand rejected under 35 U.S.C. §103(a) as being un-patentable over *Coates* and *Shaw* and U.S. Patent No. 6,807,572 of *Yu* ("*Yu*").

Claims 8-9 and 17-18 stand rejected under 35 U.S.C. §103(a) as being un-patentable over *Coates* and *Shaw* and U.S. Publication No. 2003/0013951 of *Stefanescu et al.* ("*Stefanescu*").

Applicant respectfully submits that claims 1-2 of this application are patentably distinct from claims 1-6 of *849* because claims 1-6 of *849* as currently pending include a "power manager" that powers up and powers down access subsystems based on their priority rank. Claims 1-2 of this application do not recite a power manager that powers access subsystems up and down based on their priority rank. Instead, claims 1-2 of this application includes transferring an incoming access transaction to access subsystems by matching their priority rank to a priority metric which are limitations not included in claims 1-6 of *849*.

Applicant also submits that claims 10-11 of this application are patentably distinct from claims 12-16 of *849* because claims 12-16 of *849* as currently pending include

- 5 -

includes "powering down" and "powering up" access subsystems based on their priority rank. Claims 10-11 of this application do not recite powering up and powering down access subsystems based on their priority rank. Instead, claims 10-11 of this application include selecting access subsystems by matching their priority rank to a priority metric which are limitations not included in claims 12-16 of *849*.

Applicant submits that claims 1-2 and 4-5 of this application are patentably distinct from claims 1-9 and 15 of *040* because claims 1-9 and 15 of *040* as currently pending include a transaction director that determines which access subsystem is to handle a client request in response to client-side information contained in the client request. Claims 1-2 and 4-5 of this application do not recite client-side information. Instead, claims 1-2 and 4-5 of this application includes transferring an incoming access transaction to access subsystems by matching their priority rank to a priority metric which are limitations not included in claims 1-9 and 15 of *040*.

Applicant further submits that claims 10-11 and 13-14 of this application are patentably distinct from claims 16-24 and 30 of *040* because claims 16-24 and 30 of *040* as currently pending include determining which access subsystem is to handle a client request in response to client-side information contained in the client request. Claims 10-11 and 13-14 of this application do not recite client-side information in a client request. Instead, claims 10-11 and 13-14 of this application include selecting access subsystems by matching their priority rank to a priority metric which are limitations not included in claims 16-24 and 30 of *040*.

Applicant respectfully submits that claims 1-9 recite statutory subject matter because claims 1-9 recite an information system that includes access subsystems to a persistent store and a transaction analyzer that transfers an incoming access transaction to the access subsystems. It is submitted that an information system as claimed in claims 1-9 is a useful apparatus within the meaning of 35 U.S.C. §101. The examiner has implied that claims 1-9 are directed to a software method by stating that claims 1-9 are not directed to a

- 6 -

practical application. (Page 4, Office Action, 3/26/07).
Applicant respectfully submits that an information system having
access subsystems to a persistent store is not a software
method.

The examiner has stated that claim 1-18 fail to
particularly point out and distinctly claim the subject matter
which applicant regards as the invention because it is unclear
how a priority metric determines which access subsystem to use
and whether higher values for metrics indicate higher priority.
(Pages 5-6, Office Action, 3/26/07). Applicant submits that
amended claims 1-18 clearly recite that access subsystems are
selected by matching a priority metric to the priority ranks of
access subsystems.

It is submitted that amended claim 1 is not obvious in view
of *Coates* and *Shaw* because *Coates* and *Shaw* do not disclose or
suggest an information system that transfers an incoming access
transaction to access subsystems by matching the priority ranks
of the access subsystems to a priority metric for the incoming
access transaction as claimed in amended claim 1. Instead,
Coates teaches balancing the load of incoming client requests to
a set of control nodes (*Coates*, col. 3, lines 7-10) and *Shaw*
discloses a computing platform architecture (*Shaw*, col. 4, lines
45-55). The examiner has stated that col. 7, lines 6-17 of
Coates teaches prioritizing traffic (Page 7, Office Action,
3/26/07) but a careful reading of that section of *Coates* reveals
that it teaches the details of a PDB integrated circuit used in
buffering (*Coates*, col. 6, line 57 through col. 7, line 17) and
not prioritizing traffic as stated by the examiner. The examiner
has cited a clause of claim 11 of *Shaw* as if it were a teaching
of transaction priority (Page 7, Office Action, 3/26/07) but has
not cited any explanation of that clause in the actual teachings
of *Shaw*.

Given that claims 2-9 depend from amended claim 1, it is
submitted that claims 2-9 are not obvious in view of *Coates* and
Shaw.

It is also submitted that amended claim 10 is not obvious
in view of *Coates* and *Shaw*. Amended claim 10 includes
limitations similar to the limitations of amended claim 1.

- 7 -

Therefore the remarks stated above with respect to amended claim 1 and *Coates* and *Shaw* also apply to amended claim 10.

Given that claims 11-18 depend from amended claim 10, it is submitted that claims 11-18 are not obvious in view of *Coates* and *Shaw*.

Applicant further submits that claims 2-3 and 11-12 are not obvious in view of *Coates* and *Shaw* and *Yu* because *Coates* and *Shaw* and *Yu* do not disclose or suggest transferring an incoming access transaction to access subsystems by matching the priority ranks of the access subsystems to a priority metric for the incoming access transaction as claimed in amended claims 1 and 10 from which claims 2-3 and 11-12 depend. Applicant has shown that *Coates* and *Shaw* do not disclose or suggest the limitations of amended claims 1 and 10. *Yu* discloses a database system having only one access subsystem — an http server 16 (Figure 1 of *Yu*) rather than transferring an incoming access transaction to one of a set of access subsystems by matching the priority ranks of the access subsystems to a priority metric for the incoming access transaction as claimed in amended claims 1 and 10.

Applicant further submits that claims 8-9 and 17-18 are not obvious in view of *Coates* and *Shaw* and *Stefanescu* because *Coates* and *Shaw* and *Stefanescu* do not disclose or suggest transferring an incoming access transaction to access subsystems by matching the priority ranks of the access subsystems to a priority metric for the incoming access transaction as claimed in amended claims 1 and 10 from which claims 8-9 and 17-18 depend. Applicant has shown that *Coates* and *Shaw* do not disclose or suggest the limitations of amended claims 1 and 10. *Stefanescu* teaches the preprocessing of images stored in a database system (*Stefanescu*, paragraph 0006) rather than transferring an incoming access transaction to access subsystems by matching the priority ranks of the access subsystems to a priority metric for the incoming access transaction as claimed in amended claims 1 and 10.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

- 8 -

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 7-26-07 By: _____

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